

REMARKS

In the application claims 1-42, 45-52, 55-62, 64-65, and 67-70 remain pending. Claims 43, 44, 53, 54, 63, and 66 have been canceled without prejudice. Certain of the claims have been amended to further clarify what is regarded as the invention and to ensure proper antecedent bases. Support for the amendments may be found in the application as originally filed. No new matter has been added.

All of the pending claims presently stand rejected. The reconsideration of the rejection of the claims is hereby requested.

The pending claims presently stand rejected as being rendered obvious by Darbee (U.S. Patent No. 4,959,810) as modified by the teachings of Zintel (U.S. Patent No. 6,725,281).

In response to the rejection of the claims, it is respectfully submitted that a rejection under 35 U.S.C. § 103 may be maintained only if a combination of references disclose, either expressly or inherently, each and every element set forth in the claims and, furthermore, only if there exists some motivation for combining these disclosed elements.

Since neither Darbee nor Zintel, whether considered alone or in combination, can be said to disclose all of the elements claimed, it is respectfully submitted that the rejection of the claims must be withdrawn.

Turning first to Darbee, Darbee discloses a universal remote control which may be taught commands from another remote control which taught commands may then be retransmitted from the universal remote control to an appliance to do nothing more than control operations of that appliance. (*See* Col. 1, lines 17-30 and Col. 8, lines 31-43).

Nowhere does Darbee disclose, teach, or suggest a monitoring device which, as claimed, functions to monitor transmissions from a remote control for the purpose of maintaining a state table that stores data that is reflective of a state into which an appliance is to be placed should the appliance properly respond to the receipt of those remote control transmissions. This has been acknowledged in the rejection of the claims.

Turning now to Zintel, it is respectfully submitted that Zintel fails to disclose that which is missing from Darbee and, as such, cannot be said to suggest modifying Darbee to arrive at the invention that is set forth in the claims. In this regard, Zintel does not disclose, teach, or suggest a transmission monitoring device which monitors transmissions from a remote control and which uses the transmissions from the remote control to maintain a state table that stores data that is reflective of a state into which an appliance is to be placed should the appliance properly respond to the receipt of those remote control transmissions. Rather, Zintel discloses a system which determines the actual state of an appliance by directly monitoring the electrical or mechanical components of that appliance. Thus, it will be appreciated that the claimed invention has an advantage not recognized by Zintel in that, by determining state directly from remote control transmissions as opposed to directly from the electrical or mechanical components of an appliance itself, the claimed invention may be embodied in a monitoring device that is separate and apart from an intended target appliance and, furthermore, can easily maintain state information for multiple, different appliances.

In sum, neither Darbee nor Zintel disclose, teach, or suggest a system which functions to compare transmissions received from a remote control against a plurality of commands to thereby update data that is reflective of a state into which an appliance

should be placed should the appliance properly respond to receipt of the remote control transmission as is claimed. Accordingly, the combination of Darbee and Zintel cannot be said to present a *prima facie* case of obviousness. For at least this reason it is respectfully submitted that the rejection of the claims must be withdrawn.

#### CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested.

While it is not believed that any fee is due, the Commissioner is authorized to charge any fee deficiency to deposit account number 50-2428 in the name Greenberg Traurig.

Respectfully Submitted;

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By: 

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